

FLOOR SCHEDULE FOR THURSDAY, SEPTEMBER 17, 2015

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	2:30 – 3:30 p.m.	4:30 – 5:30 p.m.

[H.Res. 420](#) – Rule providing for consideration of both [H.R. 758 – Lawsuit Abuse Reduction Act of 2015 \(Rep. Smith \(TX\) – Judiciary\)](#) and [H.R. 348 – RAPID Act \(Rep. Marino – Judiciary/Natural Resources\)](#) (One hour of debate). The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For [H.R. 758](#), the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary. The Rule allows one motion to recommit and waives all points of order against the legislation.

For [H.R. 348](#), the Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary. The Rule allows for 10 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

The Rule also allows for Suspension Authority on Thursday, September 24, 2015.

The Rules Committee rejected a motion by Mr. McGovern of Massachusetts to consider both [H.R. 758](#) and [H.R. 348](#) under open Rules. **Members are urged to VOTE NO.**

[H.Res. 421](#) – Rule providing for consideration of both [H.R. 3134 – Defund Planned Parenthood Act of 2015 \(Rep. Black – Energy and Commerce\)](#) and [H.R. 3504 – Born-Alive Abortion Survivors Protection Act \(Rep. Franks – Judiciary\)](#) (One hour of debate). The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For [H.R. 3134](#), the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Energy and Commerce or their respective designees. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For [H.R. 3504](#), the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Judiciary or their respective designees. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

The Rules Committee rejected a motion by Mr. Hastings of Florida to consider both [H.R. 3134](#) and [H.R. 3504](#) under open Rules. **Members are urged to VOTE NO.**

[H.R. 758](#) – Lawsuit Abuse Reduction Act of 2015 (Rep. Smith (TX) – Judiciary) (One Hour of Debate). This bill would change Rule 11 of the Federal Rules of Civil Procedure to require that courts impose sanctions on parties that violate the prohibition on the filing of frivolous lawsuits. Rule 11 currently leaves the imposition of sanctions to the discretion of the judge.

This bill represents a reinstatement of discredited rules that were previously in effect, from 1983 – 1993, and triggered almost 7,000 Rule 11 filings, compared with just 19 such filings from 1938 to 1983, when sanctions were not required. Reenactment of these rules would do the exact opposite of their claimed intent, leading to further litigation that is spurred by the prospect of mandatory sanctions and monetary compensation for attorneys’ fees.

The bill specifies that sanctions against parties that file frivolous lawsuits must include monetary payments to the other party for that party's expenses, including attorneys' fees and other costs, discrediting the judicial system by assuming judges are incapable of appropriately punishing abusive lawsuits. The bill would also eliminate the “safe harbor” provisions of Rule 11, under which a motion



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for sanctions will not be pursued if the challenged filing is withdrawn or corrected within 21 days of service of the motion for sanctions.

This bill would have a wide-ranging impact on civil rights cases, which often involve an "argument for the extension, modification or reversal of existing law or the establishment of a new law," and often have relied upon novel legal theories that are particularly susceptible to abusive claims of frivolity by defendants. Had the provisions in H.R. 758 been in place at the time, they could have discouraged a number of landmark civil rights cases, including *Brown v. Board of Education of Topeka*, and they could prevent new cases from ever being considered. **Members are urged to VOTE NO.**

Bill Text for H.R. 758:

[PDF Version](#)

Background for H.R. 758:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Friday, September 18: The House will meet at 9:00 a.m. for legislative business. The House is expected to consider H.R. 3504 – Born-Alive Abortion Survivors Protection Act (Rep. Franks – Judiciary). The House is also expected to consider H.R. 3134 – Defund Planned Parenthood Act of 2015 (Rep. Black – Energy and Commerce).

The Daily Quote

"Senate Majority Leader Mitch McConnell believes it's an 'exercise in futility' to try and defund Planned Parenthood this month... 'You could shut down the government and that will not defund Planned Parenthood,' McConnell said. 'So that is a strategy that will not lead to a result that I would like...'"

- CNN, 9/15/2015